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Director General Activism and the Extension of the ILO

Agenda

The ILO since 1989

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Introduction

Michel Hansenne and Juan Somavia have been activist Directors-General in the style of predecessors such as Albert Thomas. They have fought to reorientate the ILO to make it more relevant in a changing world. In doing so, they have incurred strong criticism from those who believe that the changes introduced are wrong, and threaten the traditional role of the ILO. The following discussion charts their course and the associated debates².

Michel Hansenne

Director General Hansenne spoke at the 1994 International Labour Conference about the need to understand and respond to the challenges raised by globalisation. Whilst the initiative was to lead directly to the implementation of the ILO Declaration on Social Justice for a Fair Globalisation in 2008 (via 'The Fair Globalization' report – see later), it was also a call to action in the ILO on a much broader front. After 1994, Hansenne led a significant repositioning of the ILO, most notably in terms of its traditional standards-setting role. At the heart of that repositioning was the 1998 Declaration on Fundamental Principles and Rights at Work. In Hansenne's own words, the purpose of the repositioning was to achieve "more targeted standards for greater impact".ⁱ

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² This discussion is drawn from Chs 5 and 7 of our forthcoming book on the ILO

Hansenne's report to the 1997 International Labour Conference lays out the rationale for the Declaration. The argument for the Declaration has three strands, two positive, one negative. The positive arguments were, believed Hansenne, the acceptance by the ILO of a need to change, manifest in ILO activities after his 1994 speech, and the support for the ILO and standards-setting in other international agencies and events, including the Copenhagen World Summit for Social Development. The negative argument reflected Hansenne's concern that the consensus binding the social partners to the traditional standard-setting approach was breaking down. He saw this breakdown in the tenor and quality of recent debates in the ILO and believed that a new consensus must be forged in the long term interests of the ILO. There was also, in his comments and in those of others, a concern about the effectiveness of traditional standards setting, to which we return below.

There is in Hansenne's speeches an explicit sense of globalization as an opportunity for the ILO. The ILO's opportunity derives from the corollary of globalization – global governance. As global integrations proceed, so will arise the need for effective global regulation, and in matters relating to labour and work, and what they mean for human dignity and rights, the ILO will reinforce and extend its role as the source of standards and, importantly, values. There is also another striking theme in his analysis, to the effect that standards have little purpose in themselves, but are a means to achieve desirable outcomes in work and life. It follows from this that the delivery of the standards message must be attuned to the prevailing economic and social circumstances. Traditional ways of thinking and acting with standards may no longer be appropriate.

Hansenne believed that the ILO could work in two interdependent ways in order to maximise its impact. The first was "universal recognition of certain basic rights which should allow the social partners to claim their legitimate share in the development resulting from globalization -- which may therefore be viewed as the "social rules of the game of globalization". Here, Hansenne takes a big stride away from traditional ILO thinking. Drawing on outcomes and discussions in the WTO, the OECD and in the World Summit for Social Development, particularly related to standards and the multilateral trade system, he develops further a view found in those discussions. This identifies 'core' labour standards as not only able to guarantee fundamental rights, but, also in a context in which "any fears that the application of these standards might influence the competitive positioning of these

countries in the context of liberalization are unfounded". Thus, we arrive at the notion of 'core' labour standards, which, when applied, simultaneously meet the requirements of the market and of human rights and dignity.

The second way proposed "the setting up of an appropriate institutional framework to encourage States to use any benefits they might reap from globalization for achieving social progress". In its simplest form, this involves the ILO working with member states to encourage them to integrate a social dimension into their economic strategies, particularly by the adherence to labour standards. The mechanisms for this are twofold, First, emulation, whereby the ILO supports technically in each state the extension of a social dimension from a minimum provision to something more, using ILO conventions as a means. Second, social labelling - the mechanism mooted here – later often described as 'the overall social label', and possibly based on a new convention – involves "an entirely voluntary and multilateral system for mutual recognition of social labels between States which could cover all or some of their export products, depending on the wishes of the States themselves" and also a variety of codes of conduct. Hansenne later backed away from this approach as concerns emerged within the ILO, especially on the part of developing countries that social labelling might be a route to protectionism.

Hansenne proposed that standards should be better targeted for greater impact. The argument for better targeting was driven by emerging circumstances – the possibility that globalization would lead to an increase in the number of opportunities for standards setting; diminishing returns to standards may result from this; anyway, there are now other standard setting agencies also producing standards, which might lead to a 'standards overload' in member states. Hansenne was suggesting, therefore, that the traditional ILO process of standards setting had to change if ILO standards were to be ratified and observed. There was an internal political issue also in Hansenne's mind. The ILO's internal consensus around standard setting was beginning to fray at the edges as social partners began to question the substance of possible standards. Hence, the idea of fewer, better structured, targeted standards, with greater impact and support, was attractive to the ILO leadership.

How would a more streamlined standards setting model work? It would require a more strategic, and a less ad-hoc, approach to deciding what standards should be developed. This would require better consultation from the beginning with the social partners. Standards set in place should be assessed against their 'value add'. The ILO should be "looking for standards with the highest 'added value'". The ILO might think of rationalising the existing standards, which sometimes overlap, or are out-dated. Existing standards might be 'codified', providing an opportunity for standards involving general and important principles to be differentiated from those with a specific, narrower remit. The ILO should also recognise that specific standards might better be complemented or replaced by statements of principle (principles of responsibility), where the rate of change in work circumstances is so great that the prospect of multiple standards is faced. Standards should be better drafted, clearer in intended effect, not subject to significant, frequent amendment, and should be subject to review (and possible revision). The issue of evaluation of standards, and their possible revision, was an important feature of Hansenne's refocusing of the standards-setting process. Here, and elsewhere in his thinking, it is possible to discern in the Director General a sympathy for performance management techniques, and for greater efficiency and effectiveness in the work of the ILO. Undoubtedly, this also reflected a concern about the inner workings of the ILO as an organization, and a recognition that a refocusing of the standards setting model would have important implications for the structure and operations of the ILO.

Hansenne also suggested that standards-related discussion should be distanced from more general, topical discussion in the ILO. No doubt, this was intended to limit the 'automatic' response to consider a new standard whenever an issue was raised. Critics might interpret that distancing of standards setting from general discussion as down-playing of the standards setting process. His comments on recommendations and conventions might reinforce this concern. Conventions are, of course, promulgated to be translated into member states' legal systems. They are intended to create legal obligations.

Recommendations are simply that – non-mandatory suggestions about how member states should act in a particular context. Drawing on debate in the ILO over many years, Hansenne strongly endorsed the view that recommendations should no longer to the poor relations of conventions. He made a strong argument that recommendations are often as successful as

conventions, especially as the latter may not be ratified, and, if they are, may not be observed in practice. In making this argument, he risked the wrath of the workers 'party' in the ILO, which traditionally argued that conventions, even, those unratified, were powerful signals to member states. The suggestion was that, normally, recommendations should become 'autonomous', that is, not dependent on a convention, but free-standing, and that their impact should be assessed and promoted by regular reporting and follow-up activities in the ILO. Hansenne was arguing for an up-grading of recommendations, not a down-grading of conventions, but some would see this differently.

This, then, was the blueprint for a refocused, modernized ILO. Its traditional core work - standards setting - would be restructured to become better targeted and evaluated, involving a clear distinction between 'core', fundamental standards, and others and an upgrading of the role of recommendations. Central to the proposal was a detailed follow-up to its adoption, including a system of regular reporting, including annual reviews of the Declaration and the production of a an annual global report on, in any given year, one of the fundamental rights.

Notwithstanding the frankness of the debate and the range of issues raised by the social partners in the ILO's internal debates,, in June 1998 the International Labour Conference adopted unanimously the Declaration at its 86th Session. The final wording of the Declaration is short and may be reduced to four key elementsⁱⁱ. First, the Declaration confirms that, by joining the ILO, and endorsing the principles set out in the ILO's constitution and the declaration of Philadelphia, member states are bound by the principles related to four fundamental areas of rights, which are:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

Second, member states and the ILO, working together with other agencies, will support these fundamental rights:

- (a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
- (b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions;
- (c) by helping the Members in their efforts to create a climate for economic and social development.

Third, the Declaration will be promoted by means of an annual 'follow-up' at member state level in cases where one or more of the four fundamental areas has not been addressed appropriately in terms of convention ratification, and an annual Global Report, analysing one of the fundamental rights each year. Fourth, labour standards should not be used for protectionist purposes.

Criticisms of the Declaration

What are the essential criticisms offered of the Declarationⁱⁱⁱ? First, there is the argument that, in practice, the Declaration shores up the market fundamentalist approach underpinning globalization. Its introduction undermined the debate around the inclusion of a social clause in trade deals by diverting attention and effort elsewhere (see Chapter 6 for further discussion). The four fundamental areas do not constitute a strategy to respond to globalization, as they are 'negative rights', already covered in most jurisdictions by common law. They are, runs this argument, areas to which member states can pay lip service without engaging seriously with more pressing and difficult issues. In any case, the Declaration simply seeks the promotion and resourcing of these areas, hoping that effective change follows from those activities. Finally, the Declaration creates a ceiling rather than a floor of standards, hamstringing the ILO's ability to contribute to the creation of global justice^{iv}.

This leads to a second important criticism. The traditional strength of the ILO standard setting system was the translation of conventions into law, creating legally-binding outcomes in member states. Critics bemoan the shift embodied in the Declaration from hard law to soft law – from enactment to promotion. That shift also moves the ILO debate significantly away from rights to broad principles, with the latter much more difficult to implement than rights associated with enforceable conventions.

Third, the focus in the Declaration on ‘negative rights’ also marginalises important economic rights – employment security, pensions, maternity benefits etc – which traditionally would have had something akin to equal status with the Declaration’s ‘core’ rights. Underpinning this argument is a belief that the body of rights traditionally encompassed by the ILO was indivisible and provided a coherent framework for social justice. That coherence, and therefore the impact of the ILO, has been fundamentally compromised by the approach adopted in the Declaration.

Fourth, the approach adopted by the Declaration permits responsibility for standards to devolve on a voluntarist basis to the private sector and other agencies. This argument has three strands. The first believes that this devolution, when coupled with the shift from hard to soft law, will be at best partial and much less effective in establishing standards than the traditional ILO process. Second, by devolving standards setting to the private sector on a voluntarist basis, the ILO is ceding important ground to initiatives such as Corporate Social Responsibility (CSR), which are top down, managerial strategies lacking many of the social justice dimensions of the traditional ILO model. Reference to ILO conventions in such initiatives is a poor alternative to traditional standards setting. Third, heterogeneous standard setting across multiple agencies and locations will be confused and will undermine the creation of a single, coherent and effective international standards framework.

Fifth, the evidence for the success of the Declaration is not strong. The reporting process associated with the Declaration is self-serving and lightweight. Rigorous assessment would probably show the impact of the Declaration to be at best minimal.

Sixth, the Declaration reflects a politically contingent approach by the ILO to the challenges it faced as a result of globalization. The sub-text here is that market fundamentalism had

eroded employer and government commitment to traditional tripartism and the ILO model. This explained the growing difficulty in establishing consensus around new conventions in the ILO. To preserve the ILO and reassert a new consensus, the ILO has eroded its focus on a coherent, universal framework of labour standards, leaving it in a weak position. Moreover, there is no guarantee that the new accommodation will be sustainable. The ILO may lose its status as primus inter pares in global labour standards setting and, in time, become irrelevant. In this argument, the mechanism adopted to save the ILO may be its nemesis.

Alston's (and Alston and Heenan's) critique of the Declaration has drawn a detailed response from the senior ranks of the ILO^v. The core of Maupain's counter-argument is that, first, the Declaration has been effective, that is, the supposed disadvantages associated with a move from the traditional ILO model to the framework imposed by the Declaration are shown empirically not to exist. Second, to the extent that constraints exist on the ILO after the adoption of the Declaration, those constraints were already a feature of the traditional model. Moreover, the critique of the Declaration is rejected as polemical, methodologically unsound and, also unbalanced, for it takes the Declaration out of the broader operation of the ILO in which it functions.

The counter attack is not only from within the ILO. Langille, for example, is equally certain that the Alston critique is wrong. Langille offers a stinging rebuttal to Alston's 2004 article. His thesis is that Alston's critique missed the point. To start with, Alston failed to ask sensible questions, including fundamental, practical questions: were the changes right? Did they benefit working people? Instead of engaging consistently and robustly with the changes and assessing their impact, Alston, argues Langille, failed to contrast what preceded the Declaration with what followed, thus failing to make an informed critical assessment. But that methodological failing was compounded, writes Langille, by the development of a quite erroneous thesis about the adverse effects of the Declaration, and all it entails, on what Alston identified to be the heart of the ILO, the traditional labour rights regime. Whence came that analytical error? Langille argues that its origins lie in the thesis, evident in both Alston and Standing, that the ILO has weakened its defence of labour rights as an effect of globalization and its ideology, neo-liberalism. The Declaration was, in this view, a

way of subverting the ILO in line with the needs of globalization, whilst simultaneously making use of the ILO as a useful facade behind which globalization would prosper. For Langille, this was a “deeply shallow understanding” of the role of the ILO and the problems that it addresses. That understanding was flawed in many ways. To begin with, it misrepresented the status and role of the ILO and its focus on labour rights. By overstating the international significance and priority of the ILO and its rights activities, Alston’s thesis overstated the (adverse) impact of the Declaration. Moreover, suggests Langille, it misunderstood the position of the ILO before and after the Declaration; one of many institutions and agencies, actors and interventions addressing international labour law, important but not unique. Hence, the status of the ILO has not precipitately declined as an effect of the Declaration, nor has the international focus on international labour law been undermined, and nor has the range of agencies and institution concerned about labour law grown in ways that threaten the value of what the ILO does.

Alston erred in many other ways, continues Langille. The Declaration did not weaken the ILO by downgrading the importance of labour rights, but improved its positioning in terms of emerging debates such as those around the Social Clause and WTO. The Declaration should not be judged against putative motivations attributed to people, but against what it achieves. There was no weakening of the rights focus in the ILO by the introduction of the notion of principles, rather a legitimate shift from standards to rights in the grammar and focus of the ILO. In fact, Alston has misunderstood or misrepresented the rights-principles and enforcement-promotion relationships involved in the Declaration.

Langille argues that, in multiple ways, the contrast provided by Alston between pre and post Declaration ILOs was wrong. For example, a move from precision in conventions to a broader statement of principles was necessary in order to make ILO measures telling across very different social and cultural contexts. Indeed, the Declaration involves an approach more likely to achieve labour rights in member states. It was also a move that could confront the growing crisis in the ILO around standards setting and supervision, a crisis manifested in declining rates of ratification and, difficulties in supervising compliance. Langille makes a stronger point still: Alston’s belief that in “detailed law and its ‘enforcement’” was to be

found the alternative to the Declaration approach is fundamentally wrong, for that was not how the ILO had traditionally achieved success. Enforcement was never the key weapon at the ILO's disposal. Engagement, promotion and persuasion were the mainstays of the IO armoury.

Langille also questions why Alston did not address the coherence, or otherwise, of the idea of core labour rights, on which the Declaration rests. Here lies the crux of Langille's critique. At the risk of over-simplifying a complex argument, Langille accuses Alston of failing to understand the purpose of the Declaration in its goal – and the ILO's traditional goal – to support the establishment of both procedural rights and substantive standards, that is, mechanisms whereby outcomes are defined, and the 'floor' of outcomes that is desirable. In particular, the definition of core 'rights' in the Declaration is conceptually coherent and central to the sustaining of employee voice in the work context. The definition of these particular core rights in the Declaration, argues Langille, also promotes respect for non-core rights, for substantive rights follow the successful implementation of procedural rights.

The debate about the ILO's refocusing around the Declaration is bitter. On the face of things, it might look like there are some points of contact between the two positions, but closer examination suggests that there is a battle joined for the future of the ILO as an organisation and for effective labour standards in which the Declaration is point of engagement. We can consider the debate in terms of three issues – the rationale for action, the action adopted, and the effect and effectiveness of the action. Everyone agrees that there was a need for action, but there are differences on substance and emphasis in the explanation of that need. Hansenne's rationale for change is quite measured. The challenge of globalization must be addressed, the social partners in the ILO understand this, external agencies are promoting the need for an effective ILO response, and, in any case, the internal consensus in the ILO needs to be reconstituted if labour standards are to play a role in the new global economy. The critics' analysis agrees that globalization must be engaged. However, the ILO has, according to this argument, arrived at this conclusion late in the day after a long period of uncertainty about its role and effectiveness. The manner of its arrival at the need for action has not only weakened the resolve of the ILO to act in traditional defence of labour standards, but also brought the ILO substantially in line with market fundamentalist perspectives. The ILO is in peril as a result.

Somavia: Extending the Agenda

The Chilean, Juan Somavia, was elected to serve as Director General in 1998, his term beginning in early 1999. He had already played an important role as Chair of the Preparatory Committee for the Copenhagen World Summit. It was in the Copenhagen Summit that 'core' labour standards were clearly identified. It is from this background that Somavia assumed the mantle of Albert Thomas. He moved the ILO forward on the track begun at the Copenhagen Summit, and implemented by his predecessor, whilst also making his own mark on the process. The 'Fair Globalization' report was produced on his watch, and whilst other work was carried out in the ILO by a Working Party on the Social Dimensions of Globalization. In turn, this resulted in the 2008 Declaration on Social Justice for a Fair Globalization. Much of this activity was in line with the conclusions drawn in Copenhagen. Somavia's openness to ILO co-operation with other international agencies reflected a theme in the Copenhagen final report as does his 'Decent Work' agenda, which also drew on ILO traditions. Somavia also strove to improve the accountability of the ILO in terms of its strategic direction and the measurement and reporting to outcomes against strategic goals.

Decent Work: Somavia's Imprint on the ILO

In a report to the ILC in 1999, Somavia described the ILO as: "the global reference point for knowledge on employment and labour issues; the centre for normative action in the world of work; a platform for international debate and negotiation on social policy; and a source of services for advocacy, information and policy formulation.....the ILO must once again display its historic capacity for adaptation, renewal and change"^{vi}. That capacity required, argued Somavia, the setting of priorities and meant that "that focus, excellence and effectiveness must guide the management culture of the house". Subsequently, he also recognised that the 1998 Declaration provided the "universal floor", embodied in the fundamental principles and rights expressed in the core Conventions

Having established the status of the ILO, the need for priorities and for excellence, Somavia made a remarkable leap in reducing the vision and role of the ILO to one pithy statement “The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity”. From this emerged the organising principle for the ILO in the post1999 period - Decent Work – and its role as epicentre of the four strategic objectives of the ILO^{vii}. Rarely has an international agency embraced private sector management thinking so wholeheartedly.

The concept of Decent Work was much elaborated after Somavia introduced it in 1999^{viii}. Much of the discussion sought to position Decent Work as, simultaneously, a reflection of ILO traditions and a modernization to meet a new a different world. A key point was that the traditional ILO approach of standards setting was too much driven by developed world country agendas. Even in its ‘development phase’ in the 1960s to 1980s, when development issues were explicitly given a central role in ILO thinking, that traditional ILO approach was still powerful, and unbalancing in its effects on the ILO. Decent Work, as a unity of the four strategic objectives, was able to deal with diversity in country experience more effectively, and therefore able to position the ILO in more balanced fashion across the needs of its constituents. It was also understood as universal. All people should enjoy decent work conditions and experience. The four strategic objectives encompass, in their unity, the key facets of Decent Work. Relativism will apply – decent work in Bangladesh may be configured differently from decent work in Sweden, and different again in Liberia – but it will have a clear meaning in each context. Moreover, each will be a site in which particular projects, capacity building and technical assistance can be applied.

The four strategic objectives define the breadth of involvement on the part of the ILO proposed by the Decent Work paradigm. Rights at work respond to the traditional standards setting activities of the ILO. Decent employment and income captures the ILO’s long-standing commitment to macroeconomic policy, which promotes full employment and rewarding work opportunities. The emphasis on social protection reflects the ILO’s engagement with social policy in parallel with macroeconomic policy. Social dialogue is

simultaneously at the heart of the ILO process and, also, a commitment to strong democratic principles and institutions in and beyond work.

A key theme in Somavia's thinking addresses the preparedness of the ILO to deliver a Decent Work workplan. As he put it:

it has traditionally been difficult to develop a capacity for integrated thinking, cooperation among programmes and a sense of teamwork within the Office. This has also been true of our constituents, who have tended to pick and choose their preferences from the ILO menu. This has regularly come to the fore in the programme and budget debates.....I honestly believe that a fragmented ILO has no future. We need to change old habits.

One senses frustration in Somavia about the internal performance of the ILO and, also about the level and quality of commitment of the social partners to a strong and effective ILO. His is, publicly, a more striking critique of the ILO than that of Hansenne, yet they share much in common. The structure of the ILO, the configuration and performance of staff and programmes, the quality of thinking and representativity of the social partners, and the quality of strategic thinking uniting the whole are central to the assessments made by both.

The implementation of Decent Work was entrusted in the first instance to the Decent Work Pilot Programme (DWPP) which oversaw pilots in eight countries seeking to integrate Decent Work into national policy-making by, in particular, strengthening capacity building^{ix}. Subsequently, a variety of related programmes were introduced, including, in 2002, pilot projects looking to integrate Decent Work into poverty reduction strategies (the Poverty Reduction Strategy Papers process – PRSP)^x. Other, parallel initiatives were commenced with Brazil, Argentina and some Asian region countries. In 2005, the idea of Decent Work Country Programmes was launched, involving national programmes with high levels of integration of Decent Work priorities.

By the time the 2006-2007 ILO budget was announced, Decent Work Country Programmes (DWCP) were to be its main delivery vehicles^{xi}. In line with the rationalization of programmes and budgets discussed below, a DWCP was to be the operational framework

for ILO activities in any country. The elements determining a DCWP were a clear problem analysis, leading to the identification of clear priorities which reflected national priorities, those of the social partners and other agencies operating in the country. Technical assistance needs were also identified at this stage. Short (2 year) and medium term (4-6 year) goals were set, associated with an implementation plan that defined goals and their evaluation. Monitoring and evaluation permitted adjustment of, and a check on, the impact of the programme. At the heart of each country programme were the ILO's four strategic objectives, technical assistance and monitoring and evaluation. A first-time reader of the DCWP material from the ILO would understand the ILO's intervention strategy as a broad approach to labour and social issues in a given country. Whilst rights at work remained one of the four strategic objectives underpinning Decent Work, that reader would have had to search very hard to discover the remnants of the traditional ILO focus on standard setting. The DCWP, as the primary delivery vehicle for the ILO budget, indicated clearly how far the reform process begun in 1994 had taken the ILO. By 2008, DWCPs were in place in 31 member states, with another 53 in preparation.

The status of Decent Work in ILO strategy brings to life the debates rehearsed in Chapter 5 around the 1998 Declaration. Langille's critique of Alston included pragmatic questions about the impact of the Declaration and the shift to core rights. Will Decent Work-related programmes bring about real improvement in people's lives? Are they a good thing? Do they stand the ILO in good stead for the future? Empirically, there is some evidence that the programmes are successful. They are certainly growing in number and extent. We can also reflect on the likely advantages of an integrated, country-based programme in which ILO activities are associated closely with national policy setting and the activities of other international agencies. Improved monitoring and evaluation designed to upgrade performance may well conserve scarce resources. There is also a strong continuity between the purpose the 1998 Declaration and the development of the Decent Work agenda. The post-1994 change process is purposely consolidated in Decent Work.

Fair Globalization

In June, 2008, the ILC adopted the Declaration on Social Justice for a Fair Globalization (Declaration 2008)^{xii}. This was a direct effect of the follow up undertaken after the 'Fair

Globalization' report, and of the activities of the Working Party on the Social Dimensions of Globalization^{xiii}. It also draws significantly on other initiatives, including the Copenhagen Social Summit. Its constitutional status within the ILO is as one of three supreme statements of ILO principles and values. The other two are the Declaration of Philadelphia (1944) and the Declaration on Fundamental Principles and Rights at Work (1998).

The Declaration 2008 positioned the ILO as the pretender to the pre-eminent role in the creation of global social justice and a fair globalization. It also positioned the Decent Work agenda as the key delivery mechanism to achieve those ends. It located Decent Work in the four strategic objectives of the ILO (employment, social protection, social dialogue and international labour standards) and as central to the design and implementation of the Strategic Policy Framework (2010-2015). A key argument made by Somavia was that the four objectives are indivisible, that is, each is vital for the achievement of the others. The ILO is the only international institution commanding the principles and values, the track record and the technical capacities able to achieve these objectives. The implementation of the Declaration 2008 was in line with the implementation of the 1998 Declaration. The follow up process envisaged the ILO putting in place organisationally resources and capacities able to support members as they implemented the Declaration 2008's principles. Support for member states would be in terms of improved and focused, technical assistance, good research provision and effective evaluation of the Declaration 2008 by the ILC.

The Declaration 2008 also signals the moving on of the ILO from the politics of the 1998 Declaration. The 1998 Declaration was a repositioning or refocusing exercise, allowing the ILO to identify fundamental areas of action – a process of prioritization. It also reaffirmed strongly the promotion and encouragement model, whilst distancing the ILO to some extent (at least) from a tradition standard-setting focus. The two processes – prioritization and distancing – provided the 'space' in which, from 1999, the four strategic objectives could be defined, and for the broader mandate for Social Justice to be assumed. Decent Work provides the framework for meeting the demands of that mandate.

The ILO: Strategy and Performance

Somavia came to office with a clear view that the performance of the ILO might be improved. In Chapter 4, we indicated his concerns about the inward-looking nature of the

ILO. He saw the ILO as “inward looking, preoccupied with procedure, relatively slow in response, and having a style of expression that deters all but the most enthusiastic from discovering our ideas”. He also thought it poorly focused in terms of outputs and outcomes. Hence, immediately upon taking up his position, he set in train a change process involving strong tripartite consensus around ILO priorities, budget reallocations and a work programme to meet those priorities, and new management structures and programme activities^{xiv}. For the initial period (2002-2005), tripartite consensus was reached around the four strategic objectives, which were to:

- Promote and realize standards and fundamental principles and rights at work
- Create greater opportunities for women and men to secure decent employment and income
- Enhance the coverage and effectiveness of social protection for all
- Strengthen tripartism and social dialogue

Each was refined by subsets of operational objectives and a statement of ILO responses to those objectives. Subsequent reporting was provided in terms of those objectives. Those same strategic objectives were included in the Strategic Policy Framework (SPF) for 2010-2015, which emphasised an explicitly outcomes-based approach to ILO activities^{xv}. The SPF set out the objectives for the ILO in a measurable, results-based manner. Its design sought to be both stable and flexible, able to show changing performance over time, yet also allowing for adaptation in the work programme. The Director General’s annual reports were also structured in terms of strategic objectives, outputs and outcomes, and measurement of targets reached (or not). Integration and cross cutting themes were important, with cross-cutting activities including emphases on policy integration, gender equality, research and training, and external relations and partnerships.

Somavia’s management reforms were significant and inevitably challenged many ILO staff members. Thirty nine major programmes were reorganised into the four strategic objectives in a substantial budget and programme realignment. A new Senior Management Team was installed. The technical sectors within the ILO were restructured internally. Operational

objectives were reviewed and revised and cost-benefit measures and performance measurement were introduced. Monitoring, evaluation and reporting was revised and made more responsive to budget process requirements. Eight international focus (InFocus) programmes linked to the strategic objectives were identified. Building on elements in the present work of the Office, they cut across existing departmental boundaries to concentrate a critical mass of research and technical cooperation in areas such as strengthening social dialogue, the elimination of child labour, and crisis response and reconstruction. The social partners broadly supported these reforms. In many ways, they saw them as a necessary complement to the refocusing of the ILO in the 1990s. Some staff members were also comfortable with change in the organisation. For them, modernization of the ILO was overdue, and a focus on performance was welcome.

The Counter View

There is a counterview, put most eloquently and forcefully by Standing (Standing 2008). To start, leadership in the ILO was weakened after 1999 by the appointment to senior and line management positions of ‘faction’ members – employers and trade unionists. Roles were therefore “muddled” as appointees struggled to match their technical and ‘political’ responsibilities. Then, the transition to a new Director General did little or nothing to address the fundamental question of representativity. The union and employer organisations within the ILO, argues Standing, represent at best a small part of their potential global constituency. Moreover, they have a stranglehold over their own fiefdoms within the ILO and are unlikely to want to give up that power. There is no willingness to think and act more widely about the contemporary structure of work and what that might mean in terms of representation in the ILO. The abolition of the Industrial Relations Department in 1999 seriously reduced the focus on labour standards, allowing the much vaguer and “vacuous” notion of social dialogue to prevail. Budgets for the traditional standards work were squeezed by other expenditures (with Standing estimating, for example, that work on the ‘Fair Globalization’ report may have cost up to US\$20 million). Standard setting has also been undermined by increased numbers of staff with no experience of standards and the ILO process (including the highest levels of leadership). The new budget model introduced a tendency to “short-termism”, for it runs on a two year cycle.

This is a strong attack on structure of the ILO post 1999, and, it must be said, very much directed at the strategic vision of successive Director Generals. It is also simply one aspect of a far broader attack on the current ILO by Standing, who argues that the flawed strategic direction chosen by the ILO after 1994 has compounded problems already in place at the time of Hansenne's election. We return to this attack in Chapter 8. For now, we might reflect on the size of the challenge facing Somavia when he began his reorganization of the ILO. The ILO is a large, complex, ponderous international 'political' bureaucracy, multi-sited, highly formal, hierarchical, and multicultural. Its staff are diverse, varying from essentially political appointments to highly-skilled and highly-specialised technical staff, many with international reputations in their fields of expertise. There is, particularly in the specialist groups, a strong ethos of guardianship of their respective areas of responsibility and of ILO traditions. Quality outputs matter, but, also, so does the responsibility of meeting the requirements of a diverse audience, especially amongst the social partners. Much as is the case with a national civil service, which develops its mechanisms and manner of expression to match its advisory role to government, so the specialist 'officials' of the ILO measure their outputs. Its epistemic community may well have contributed to the successful survival of the ILO, but it is also often defensive and, as Somavia put it, inward looking, regulation-focused and unapproachable. As one thwarted senior staff member loyal to the post 1994 change process put it in the early 2000s: "Achieving change here is very difficult.....there is obstruction all the way.....organizational politics here are poisonous"^{xvi}.

This context is important when we consider the scope of change envisaged by Hansenne and Somavia. Putting to one side the rights and wrongs of the ILO's refocusing post 1994, consensus for that refocusing was achieved amongst the social partners and the Directors General received a mandate for change. They were faced with a major external challenge as they repositioned the ILO in the new global order, but the external challenge was matched by an equally difficult internal challenge, for some ILO staffers were angered by what they saw as a misdirection of the ILO and, therefore, a potential threat to the ILO's future. The fact that the repositioning caused internal reorganization of the ILO, which shifted boundaries, changed responsibilities and had significant effects on the career prospects of many staff members should not be forgotten. We should take care when judging the need

for, and impact of, Somavia's organizational and managerial reforms, and when we consider the competing interpretations of those reforms, for there are many interests in play.

The Somavia Legacy

Somavia is the first non-developed nation Director General in the ILO's history. He had little previous history with the ILO before he was elected. He is not labour specialist but, rather, an international diplomat with a strong interest in development and social justice. He had no grounding in the pre-1994 period, that period which Langille sees as romanticised by those with a narrow labour law perspective on the ILO. The links between his own thinking and the changes introduced by Hansenne were explicitly recognized in the latter's references to the outcome of the Copenhagen Social Summit, a summit in which Somavia had played a leading role. We must assume that Somavia's election reflected broad comfort with his track record and policy preferences. In the context of the post-1994 changes, Somavia had an unequivocal mandate to continue the reform process. Any surprise that he did would be contrary. A performance review might well agree that he had operated in the manner expected at the time of appointment, and probably met his key performance indicators. All three social partners issued strongly worded statements of support for him and his programmes when he was re-elected in 2003. He was, undoubtedly, seen as an inappropriate appointment or threat by some ILO staff^{xxvii}. Following his appointment, factional commentary emerged within the organisation around his suitability for the job, his senior staff appointments and, inevitably the changes in priority and management that he introduced. This is not surprising, nor is the concern expressed by some staff members about the 'cult of the individual' sometimes attributed to Somavia. Visible leadership often attracts such commentaries.

Weighing up the views surrounding Somavia's appointment and subsequent actions, it is fair to conclude that his was an appointment well-fitted to the task bequeathed to him by Hansenne. Somavia has extended the change process strategically and organizationally, and with success, and has undoubtedly placed the ILO more firmly in the public gaze and in the deliberations of other international agencies.

ⁱ Hansenne, M, “The ILO, standard setting and Globalization” International Labour Conference, 85th Session 1997.

ⁱⁱ <http://www.ilo.org/public/english/standards/relm/ilc/ilc86/com-dtxt.htm>

ⁱⁱⁱ Standing’s critique stands alone in Standing, Guy, “The ILO: An Agency for Globalisation?” *Development and Change* 39(3) (2008): 355–384, as does Maupain, F, “Revitalization Not Retreat: The Real Potential of the 1998 ILO Declaration for the Universal Protection of Workers’ Rights” *European Journal of International Law* 16(3) (2005) 439-465. The key elements of the Alston, Heenan and Langille debate take the following sequence: Alston, P and Heenan, J, “Shrinking the International Labor Code: An Unintended Consequence of the 1998 ILO Declaration on Fundamental Principles and Rights at Work?” *New York University Journal of International Law and Politics*, Vol. 36, 2004., “Core Labour Standards and the Transformation of the International **Labour** Rights Regime”, *European Journal of International Law* 15 (3) (2004) 457-521; Langille, B, “Core Labour Rights The True Stodt (Reply to Alston)”, *EJIL* 16 (3) (2005) 409-437; Alston, P.” **Facing Up to the Complexities of the ILO’s Core Labour Standards Agenda**” *EJIL* 16 (3) (2005) 467-480.

^{iv} See, for a broadly sympathetic understanding of rights at work under the post 1998 model, Hepple, B ‘Rights at Work’ in Ghai, Darim (Ed) “Decent Work: Objectives and Strategies”, ILS – ILO, Geneva, 2006. P 33 – 76.

^v Maupain. At the time of writing, Maupain and Langille are the obvious counterpoint to Standing and Alston and Alston and Heenan. The stronger tone of the critique offered by Standing, in his article and also in published interviews, will inevitably produce a response from the ILO. Note also Alston’s reply to Langille, which does little to temper the tone of the debate.

^{vi} Report of the Director General ‘Decent Work’, 87th Session ILC, 1999

^{vii} The four strategic objectives are to;

- Promote and realize standards and fundamental principles and rights at work
- Create greater opportunities for women and men to secure decent employment and income
- Enhance the coverage and effectiveness of social protection for all
- Strengthen tripartism and social dialogue

See also Report of the Director General ‘Reducing the Decent Work Deficit’, 89th Session ILC, 2001

^{viii} For an overview of the ILO discussion, see Ghai, Darim “Decent Work: Objectives and Strategies”, ILS – ILO, Geneva, 2006. For a developed statement by Somavia of the potential in Decent Work, see Report of the Director General ‘Reducing the Decent Work Deficit’, 89th Session ILC, 2001.

^{vi} The eight countries were **Bahrain, Bangladesh, Denmark, Ghana, Kazakhstan, Morocco, Panama, Philippines**. See Awad, Azita ‘Decent Work as a National Goal: The experience of the Decent Work’ Pilot Programme (DWPP) and other related initiatives ’ 2nd South-East Asia and the Pacific Subregional Tripartite Forum on Decent Work, Melbourne April 2005, See also the ILO’s DWPP webpage at <http://www.ilo.org/public/english/bureau/dwpp/>

^{*} In Ethiopia, Ghana, Honduras, Mali, Sudan, Tanzania; Cambodia, Indonesia, Nepal, Pakistan, Viet Nam; Kyrgyzstan; Bolivia, Ecuador, Peru and Yemen.

^{xi} ILO ‘ILO Decent Work Country Programmes: A Guidebook’, Geneva, 2005.

^{xii} We will use the designation ‘Declaration 2008’ to refer to the Declaration on Social Justice for a Fair Globalization in order to distinguish it from the Declaration on Fundamental Principles and Rights at Work, referred to simply as ‘the Declaration’.

^{xiii} Originally the Working Party on the Social Dimensions of the Liberalization of International Trade, established in 1994. Discussions in 1999 and 2000 led to its renaming as the Working Party on the Social Dimensions of Globalization in 2000. The rationale was to link the ILO’s work on the social dimensions of globalization with that of other international agencies on a basis that extended beyond trade-related issues (See GB.277/WP/SDL/1 Future activities of the Working Party, 2000)

^{xiv} (GB.276/PFA/9) Nov 1999; GB.279/PFA/6 Nov 2000

^{xv} GB.303/PFA/2 Nov 2008. The PSF was originally introduced in 2000 – see GB.279/PFA/6

^{xvi} Authors’ interview

^{xvii} Authors’ interviews